REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 2, 4, 5-7, and 9-11 are cancelled. Claims 1, 3, 8, and 12 remain in this application and, as amended herein, and are submitted for the Examiner's reconsideration.

Claims 8 and 12 have been amended solely to provide proper antecedence and to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

A Request for Continued Examination (RCE) is submitted with the present Amendment.

In the Office Action, claims 1, 3, 8, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander (U.S. Patent No. 6,177,931) in view of Killian (U.S. Patent No. 7,163,31610). Applicant submits that the claims are patentably distinguishable over the relied on references.

As an example, amended claim 1 calls for:

> a storage unit operable to store content information indicating whether content displayed immediately before turning off a power source of the receiver is a program guide or a program, and *when the content displayed immediately before turning off the power source of the receiver is the program, to store genre information indicating the genre of the program*[.] (Emphasis added.)

Neither the relied on sections of Alexander nor the relied on sections of Killian disclose or suggest storing *information indicating a genre of a program when content displayed immediately before turning off a power source of a receiver is a program*.

The relied on sections of Alexander merely describe that a viewer can instruct an EPG to automatically tune to *a*

last-watched channel identified when the viewer last turned off the television. (See col.7, 11.10-13.) The relied on sections of the reference neither disclose nor suggest that *information indicating a genre of a program* is also stored *when the television is turned off*.

Moreover, though the relied on sections of Alexander describe that a viewer can instruct an EPG to automatically tune to a viewer's favorite channel as deduced from analyzing the viewer's profile information or to automatically tune to a particular channel, the relied on sections of the reference neither disclose nor suggest that *the viewer's favorite channel is of a genre of a program displayed immediately before a television is turned off* and the relied on sections of the reference neither disclose nor suggest that *the particular channel is of a genre of a program displayed immediately before the television is turned off*. (See col.7, 11.13-17.)

Also, though the relied on sections of Killian describe a profile database that stores a viewer profile, the relied on sections do not disclose or suggest that *a viewer's favorite channel is of a genre of a program displayed immediately before the television is turned off* and do not disclose or suggest that *a particular channel is of a genre of a program displayed immediately before the television is turned off*. (See col.2 11.1-8 and 27-40.) Hence, the relied on sections of Killian do not cure the deficiencies of the relied on sections of Alexander.

Amended claim 1 further calls for:

a display controller operable, in response to the power source being subsequently turned on, (i) *to display the program guide as an initial image when the content information stored in said storage unit indicates that the program guide was displayed immediately before turning off the power source of the*

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> *receiver*, and (ii) to display as the initial image at least one of a recommended program or another program of a same genre[.]   (Emphasis added.)

Neither the relied on sections of Alexander nor the relied on sections of Killian disclose or suggest displaying a program guide as an initial image *when content information stored in said storage unit indicates that the program guide was displayed immediately before turning off the power source of the receiver*.

Rather, the relied on sections of Alexander describe that a viewer can select an EPG Grid Guide as a default mode so that when the viewer turns the television on, the viewer first sees EPG in Grid Guide Mode.   (See col.7, ll.1-6.)   Namely, when the viewer first turns on the television, the EPG Grid Guide is displayed *regardless of whether a program guide or a program was displayed immediately before turning off the television*.   The relied on sections of the reference do not disclose or suggest that the EPG Grid Guide is displayed *when stored content information indicates* that the EPG Grid Guide was displayed immediately before turning off the television.

The relied on sections of Killian are concerned with generating viewer profiles to determine which channel to tune to *in response to a viewer indication that a channel change is desired*.   Thus, the relied on sections of the reference do not address the shortcomings of the relied on sections of Alexander.

Also, amended claim 1 calls for:

> said display controller being operable to *display the recommended program when the content information stored in said storage unit indicates that the program was displayed immediately before turning off the power source of the receiver* and the currently broadcast program is the recommended program, the recommended program being determined based on the received program guide information and previously set user preferences, and
>
> said display controller being operable to *display the another program of the same genre when the content*

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information stored in said storage unit indicates that the program was displayed immediately before turning off the power source of the receiver and the currently broadcast program is of the genre indicated by the stored genre information.   (Emphasis added.)

The relied on sections of Alexander and the relied on sections of Killian do not disclose or suggest that *in response to a power source being turned on, a recommended program is displayed* when stored content information indicates that a program was displayed immediately before turning off a power source of a receiver.   Moreover, the relied on sections of Alexander and the relied on sections of Killian do not disclose or suggest that *in response to a power source being turned on, another program of a same genre is displayed* when stored content information indicates that a program was displayed immediately before turning off a power source of a receiver.   Further, the relied on sections of Alexander and the relied on sections of Killian do not disclose or suggest that *in response to a power source being turned on*, *another program of a same genre is displayed when the currently broadcast program is of the genre indicated by the stored genre information*.

The relied on sections of Alexander further describe that a viewer can select a Television Mode so that when the viewer turns the television on, the television automatically enters the Television Mode.   (See col.7, 11.6-10.)   Namely, when the viewer first turns on the television, the Television Mode is entered *regardless of whether a program guide or a program was displayed immediately before turning off the television* and *regardless of the genre of a program displayed immediately before turning off the television*.

The relied on sections of Alexander also describe that a viewer can instruct the EPG to automatically tune *to the last-watched channel* before the viewer turned off the television.

(See col.7, 11.10-13.)   Namely, when the television is turned off, *the last-watched channel* is stored, and when the television is subsequently turned on, the television automatically tunes to *the last-watched channel regardless of the genre of a program displayed immediately before turning off the television*.

Additionally, as described above, the relied on sections of Alexander teach that a viewer can instruct the EPG to automatically tune to a viewer's favorite channel or can instruct the EPG to automatically tune to a particular channel, but the relied on sections of the patent neither disclose nor suggest that *a viewer's favorite channel is of a genre of a program displayed immediately before the television is turned off* and do not disclose or suggest that *a particular channel is of a genre of a program displayed immediately before the television is turned off*.

The relied on sections of Killian, as described above, do address these deficiencies.

For at least the above reasons, it follows that neither the relied-on sections of Alexander nor the relied-on sections of Killian, whether taken alone or in combination, disclose or suggest the combination defined in claim 1, and therefore claim 1 is patentably distinct and unobvious over the cited references.

Independent claim 3 calls for features similar to those set out in the above excerpt of claim 1. Therefore, claim 3 is patentably distinct and unobvious over the relied-on sections of Alexander and Killian for at least the same reasons.

Claim 8 depends from claim 1, and claim 12 depends from claim 3. Therefore, claims 8 and 12 are each distinguishable over the relied-on references for at least the same reasons as the claim from which it depends.

Accordingly, Applicant respectfully requests the

withdrawal of the rejection under 35 U.S.C. § 103(a).

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 22, 2007   Respectfully submitted,

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